THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13512 of 2006

07-07-2006

Between:-

Smt. Fatima Karimi

Petitioner

And

Amit Garg, Deputy Commissioner of Police, West Zone, A.C. Guards, Hyderabaad and four others.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 13512 of 2006

Oral order:

This writ petition is filed alleging that the respondent Nos. 1 to 3 are interfering with the right of the petitioner to run her business viz., Red Rose Restaurant, Panjagutta, Hyderabad, at the instance of the 4th respondent and without any authority or law. There appear to be disputes between the petitioner and the 4th respondent pending in various civil courts. An order of *status-quo* is stated to have been granted on 06-06-2006 in O.S.No.2720 of 2006 filed by the petitioner on the file of learned 4th Additional Junior Civil Judge, City Civil Court, Hyderabad seeking a permanent injunction restraining the defendants therein from interfering with her peaceful possession and

operation of the Restaurant. In the said suit, the petitioner's business rivals are stated to have been impleaded as defendants.

While so, the petitioner states that the business rivals of her late husband are instigating her children to revolt against her and as a consequence of that, the 4th respondent, who is the petitioner's daughter, filed an application – O.P.No. 1121 of 2006 on the file of learned III-Additional Chief Judge, City Civil Court, Hyderabad under Sections 7 and 10 of the Guardianship and Wards Act seeking the 4th respondent's appointment as guardian of the petitioner's minor children. In the said O.P., the 4th respondent is stated to have filed I.A.Nos.1754 and 1755 of 2006 for an interim order restraining the petitioner from interfering with the custody of person and property of the minors and for police protection. Initially on 27-06-2006, the court passed an order in the above interlocutory applications restraining the petitioner from interfering with the property, including the Red Rose Restaurant and another one Kasturi Restaurant and the police were directed to provide aid for enforcing the above order. Thereafter, the petitioner states to have filed counters in the interlocutory applications and a modified order was passed by the court of learned III-Additional Chief Judge, City Civil Court on 30-06-2006 clarifying that

the earlier order dated 27-06-2006 would not amount to divesting the property from anybody and the earlier order was kept in abeyance until appropriate orders are passed pursuant to appropriate inquiry. According to the petitioner, there is thus no order restraining the petitioner from pursuing her business in the Red Rose Restaurant.

Despite the above state of court orders, the respondent Nos. 1 to 3 are interfering and preventing the petitioner from attending to her business, is the complaint.

On instructions received from the 3rd respondent, the learned Government Pleader for Home states that the respondent Nos. 1 to 3 are not interfering with the petitioner's pursuit of her business in the Red Rose Restaurant, Panjagutta, Hyderabad. Learned Government Pleader states that the instructions are also in respect of the alleged interference by the 1st and 2nd respondents.

In view of the statement made by the learned Government Pleader for Home on behalf of the respondent Nos. 1 to 3 that they are not interfering with the petitioner's pursuit of her business in the Red Rose Restaurant, Panjagutta, Hyderabad and recording the statement, the writ petition is disposed of. No costs.

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GODA RAGHURAM, J

Dated:07-07-2006
Pvks/*
Nb: Furnish c.c. by Tuesday i.e., 11-06-2006
B/o pvks/*